

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Benjamin C. Riggs, Jr. d/b/a
Resource Management Company

v.

Civil No. 06-cv-366-JD

Janet Peschong, Personal Representative
of the Estate of Frank Gregory

O R D E R

Following the pretrial conference held on March 9, 2009, Janet Peschong filed an amended final pretrial statement, which included her affirmative defense of unconscionability. Riggs moves for leave to file a motion in limine to bar the unconscionability defense. Peschong objects to Riggs's motion for leave, contending the deadline for filing motions in limine has passed and Riggs has not shown good cause for a late filing.

Although unconscionability was pled in the amended complaint as an affirmative defense, that theory was not included in Peschong's original pretrial statement, filed on August 12, 2008, or in the pretrial statement filed on February 17, 2009. Instead, the court allowed Peschong to amend her pretrial statement to add the unconscionability defense. See Final Pretrial Order at ¶ 8 (doc. no. 214). Therefore, good cause exists to allow Riggs to file a motion in limine aimed at the defense.

Conclusion

For the foregoing reasons, the plaintiff's motion for leave to file a motion in limine (document no. 221) is granted. The motion in limine is docketed as document no. 222. Peschong shall file her response **on or before noon on March 20, 2009.**

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

March 18, 2009

cc: Peter G. Callaghan, Esquire
Douglas N. Gould, Esquire
Resource Management Company